

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1.-3. (Cancelled)

4. (Currently Amended) An optical disk device comprising: according to claim 1,

an optical head which emits a laser light to an optical disk having a recording layer and receives a reflection light to carry out one of a recording process and reproduction process;

a detecting unit which detects a distribution of a recorded region and an unrecorded region of the optical disk based on a reflection light received by the optical head;

a control unit which controls the optical head so as to make access to a target position of a recording layer of the optical disk while avoiding the unrecorded region based on a distribution of a recorded region and an unrecorded region detected by the detecting unit; and

wherein, in the case where the optical disk has a plurality of recording layers and the target position is in a second recording layer different from a first recording layer to which the optical head is currently positioned, and in the case where an access is made to the unrecorded region of the second recording layer when an interlayer jump is carried out at a currently accessed position, the control unit moves the optical head to a position of the first recording layer corresponding to a position at which the unrecorded region of the second recording layer does not exist, and then the optical head is jumped in an interlayer manner to be moved to the target position.

5. (Currently Amended) An optical disk device according to claim [[1]]4, wherein, in the case where the optical disk has a plurality of recording layers and the target position is in a second recording layer different from a first recording layer to which the optical head is currently positioned, and in the case where an access is made to the unrecorded region of the second recording layer when an interlayer jump is carried out at a currently accessed position, the control unit moves the optical head to a position of the first recording layer corresponding to a position at which the unrecorded region of the second

recording layer does not exist, and the optical head is jumped in an interlayer manner and reaches a position at which the unrecorded region of the second recording layer does not exist, and further a second target position is set in front of the target position, and the optical head is moved thereto to be traced to the target position.

6.-13. (Cancelled)

14. (Currently Amended) An access method for an optical disk device comprising: ~~according to claim 11,~~  
emitting a laser light to an optical disk having a recording layer and receiving a reflection light, thereby detecting a distribution of a recorded region and an unrecorded region of the optical disk based on a reflection light received by an optical head for carrying out one of a recording process and reproduction process;  
controlling the optical head so as to access a target position of a recording layer of the optical disk while avoiding the unrecorded region based on the detected distribution of a recorded region and an unrecorded region; and  
wherein, in the case where the optical disk has a plurality of recording layers and the target position is in a second recording layer different from a first recording layer to which the optical head is currently positioned, and in the case where an access is made to the unrecorded region of the second recording layer when an interlayer jump is carried out at a currently accessed position, control of the optical head moves the optical head to a position of the first recording layer corresponding to a position at which the unrecorded region of the second recording layer does not exist, carries out an interlayer jump of the optical head, and then moves it to the target position.

15. (Currently Amended) An access method for an optical disk device according to claim ~~[[11]]~~14, wherein, in the case where the optical disk has a plurality of recording layers and the target position is in a second recording layer different from a first recording layer to which the optical head is currently positioned, and in the case where an access is made to the unrecorded region of the second recording layer when an interlayer jump is carried out at a currently accessed position, control of the optical head moves the optical head to a position of the first recording layer corresponding to a position at which the unrecorded region of the second recording layer does not exist, carries out an interlayer jump

of the optical head, and reaches a position at which the unrecorded region of the second recording layer does not exist, and further the control of the optical head sets a second target position in front of the target position, moves the optical head thereto, and then traces it to the target position.

16. (Original) An access method for an optical disk device comprising: according to claim 11,

emitting a laser light to an optical disk having a recording layer and receiving a reflection light, thereby detecting a distribution of a recorded region and an unrecorded region of the optical disk based on a reflection light received by an optical head for carrying out one of a recording process and reproduction process;

controlling the optical head so as to access a target position of a recording layer of the optical disk while avoiding the unrecorded region based on the detected distribution of a recorded region and an unrecorded region; and

wherein, when the optical disk has a plurality of recording layers to be stacked and it is detected that the unrecorded region exists in a first recording layer to which the optical head is currently positioned and that the target position exists in a second recording layer different from the first recording layer, control of the optical head makes access to the target position after an interlayer jump to the second recording layer is carried out without moving the optical head in the first recording layer.

17.-21. (Cancelled)